

Court invokes cap on verdicts against charities

Jerry Filteau/CNS

WASHINGTON — In a case closely watched by church officials, the Supreme Judicial Court of Massachusetts threw out a \$4.1 million malpractice verdict against a Boston hospital, invoking a state law that no charitable institution can be sued for more than \$20,000.

The Boston Archdiocese has been trying to reach an out-of-court settlement of more than 400 clergy sexual-abuse lawsuits. Other Catholic dioceses and several religious orders in the state — all qualifying as charitable institutions — also face sex-abuse lawsuits that could be affected by the high court ruling.

The court ruled that unless Brigham and Women's Hospital agreed to waive the \$20,000 cap it could not be forced to pay more than that for the severe brain damage suffered there by Dylan Keene shortly after his birth in 1986.

Damages being sought in most, if not all, of the sexual-abuse cases against church entities in Massachusetts are far above the charity cap. The possibility that the law would be applied to those cases if they go to trial could have a significant impact on settlement negotiations.

The state of New York also saw a potentially significant legal development when a New York judge dismissed a suit against the Brooklyn Diocese filed by 42 alleged sex-abuse victims.

Judge Janice A. Taylor of State Supreme Court in Queens ruled that the statute of limitations for filing such a suit — in New York law, three years after the victim turns 18 — had already expired for all the plaintiffs.

Plaintiffs' attorney Michael G. Dowd said he would appeal Taylor's ruling. He had argued against dismissal on grounds that the diocese prevented the plaintiffs from suing in a timely manner by "fraudulent concealment."

On April 14 Dowd filed a similar lawsuit for \$300 million against the neighboring Diocese of Rockville Centre on behalf of 23 plaintiffs with allegations of abuse involving 13 priests. A separate Rockville Centre lawsuit filed the same day, by attorney Melanie Little, sought \$1.15 billion on behalf of 11 plaintiffs. Several other clergy sex-abuse lawsuits are pending in dioceses across the state.



Karin von Voigtlander/Catholic Courier

Preparing food for the needy

Nine-year-olds Lorenzo Marin (left) and Emily Principio and 4-year-old Alexandra Augustine, parishioners of St. Francis de Sales Church in Geneva, prepare jars of peanut butter April 24 that were given to more than 600 families during a Foodlink and Catholic Charities of the Finger Lakes food distribution at the church. Additional distributions are planned for June 26 and Aug. 28 from 11 a.m. to 5 p.m. at Geneva's farmers' market on Seneca Street.

Green ribbons to raise awareness

May 4-10 is Children's Mental Health Week

Rob Cullivan/Catholic Courier

Philomena Allen, a parishioner at Rochester's St. Bridget Church, is on a crusade to erase the stigma surrounding mental illness among children.

"I'm trying to get more people to see that mental illness is out there with our young people, and that it's swept under the rug," Allen said, noting she has a daughter who has struggled with mental-health problems over the past several years. Parents like herself sometimes struggle over whether they are to blame for the children's problems, she said, but mental-health problems can afflict children for a wide variety of reasons.

Allen is scheduled to speak about the topic at the end of the 11:30 a.m. Mass at St. Bridget's on Sunday, May 4, the beginning of Children's Mental Health Week across the nation. Concluding May 10, the week is designed to raise awareness of the symptoms of children's mental-health problems and the services available to parents who want to help their children afflicted with

emotional, behavioral and/or social disabilities.

"Sometimes it's medicine, sometimes it's support," Allen said of treatment possibilities. "It's different things that help people."

Following the Mass at St. Bridget's, 14 Mark St., Allen will distribute information sheets about mental health as well as green ribbons people can wear in celebration of Children's Mental Health Week. According to a statement from the Mental Health Association in New York State Inc. and other agencies promoting the effort, green was used in the 1800s to identify people who were insane. Children's mental-health advocates now want to change the color's association to signify "new life, new growth and new beginnings," the statement read.

Dealing with her own daughter's struggle led Allen to work in the mental-health field. She is currently employed by the Monroe County Office of Mental Health as a coordinated children's services initiative parent partner, providing support of various kinds to families who have children with mental-health problems. Such support includes simply listening to parents who call to express their concerns and more active involvement such as accompa-

nying them on doctor's appointments, she said. She added that she was recently hired for a somewhat similar position as parent consultant with Better Days Ahead, a family support program of the Mental Health Association of Rochester/Monroe County.

Since becoming a mental-health worker, Allen has become a passionate advocate for informing parents about children's mental-health problems. According to the Surgeon General's Office, one in 10 children suffers from mental illness severe enough to impair his or her life, she noted, but only 20 percent of such children receive specialized mental-health services.

Allen also noted that information on children's mental-health problems is widely available on the Internet at such sites as www.ftnys.org, the home page of Families Together in New York State, a parent-run organization for families with children suffering mental-health problems. FTNYS can also be reached at 888/326-8644.

Allen repeatedly stressed that parents should not give up hope if their children are found to have mental-health problems.

"It's nothing that can't be addressed," she said.